

REMARKS

Claims 2-4, 7-10, 12-14, 16-27, 29, 30, and 33-36 remain in the application. Claims 2, 3, 4, 7, 12, 14, 16, 17, 18, 19, 20, 23, 24, 26, 29, 30, 33, 35, and 36 have been amended. Claims 1 and 11 have been canceled. Claims 2, 3, 12, 13, 18, and 27 were objected to as being dependent upon a rejected base claim, but were deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Reconsideration of this application, as amended, is respectfully requested.

Claim 2 has been amended to incorporate the subject matter of claim

1. Claim 12 has been amended to incorporate the subject matter of claim 11.

Claims 4, 7, 35, and 36 have been amended to depend from claim 2.

Claims 14, 16, 17, 18, 20, 23, 24, 29, and 30 have been amended to depend from claim 12.

Claim 2 has been further amended to substitute the expression "flowcell for" for "means for holding." Support for this change can be found at page 12, lines 26-27 of the specification. Claim 4 has been amended to remove the "means" expression from the claim. Claims 17, 19, and 23 have been amended to properly conform to claims 12, 17, and 12, respectively. Claim 24 has been amended to substitute the term "elements" for the term "means." Claim 26 has been amended to substitute the expression "holders for" for "means for holding." Claims 2, 3, 14, 16, 18, 20, 29, and 33 have been amended to change "a means" to "means."

Because the foregoing amendment merely cancels rejected claims and (1) rewrites claims that were objected to, but allowable, in independent form and (2) amends claims to depend from allowable claims, a showing under 37 C.F.R. 1.116(b) is not expected. The present amendment is being presented at this time because the claims, if amended as proposed, would avoid the rejections based on 35 U.S.C. § 102 and 35 U.S.C. § 103, and thus the amendment would place the case in condition for allowance. The claims, if amended as proposed, would avoid the rejection on the references. In view

Claims 1, 4, 7-11, 14, 16, 17, 19-26, 29, 30, and 33-36 were rejected under 35 U. S. C. § 102 (e)(2) as being anticipated by Olesen et al. (P/N 6,063,260). This rejection has been addressed by the amendments to the claims.

Claims 1 and 11 were canceled. Claims 2 and 12 were written in independent form. Claims 4, 7-10, 35, 36 depend from claim 2, either directly (claims 4, 7, 35, and 36) or indirectly (claims 8, 9, 10). Claims 14, 16, 17, 19-26, 29, 30, 33, and 34 depend from claim 12, either directly (claims 14, 16, 17, 20, 23, 24, 29, and 30) or indirectly (claims 19, 21, 22, 25, 26). In view of the Examiner's indication of allowability in the Office Action, it is submitted that this rejection should be withdrawn.

In view of the foregoing, it is submitted that claims 2-4, 7-10, 12-14, 16-27, 29, 30, and 33-36, as amended, are in condition for allowance, and official Notice of Allowance is respectfully requested.

The Examiner refused to consider the following references listed in the Information Disclosure Statement mailed June 20, 2000.

Brochure – Oocyte Testing Station (OTC-20) from ALA Scientific Instruments

Brochure – Solution Exchange System (BPS-4/BPS-8) from ALA Scientific Instruments

These references were not considered on account of the lack of a date. While it is greatly desired that the Examiner consider the references and note that they were considered by initialing the Form PTO-1449, the undersigned does not believe that these references anticipate the claims of this application or render the claims of this application obvious to one of ordinary skill in the art.

Moreover, the undersigned believes that the foregoing references are cumulative to references that were considered by the Examiner.

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Abbott Laboratories
D-377 AP6D-2
100 Abbott Park Road
Abbott Park, Illinois 60064-3500
Telephone: (847) 937-6182
Fax. No.: (847) 938-2623

Respectfully submitted,
Jonathan D. Trumbull, et al.



David L. Weinstein
Registration No. 28, 128
Attorney for Applicants